

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LEE ARNOLD, JR.,	)	Case No.: 1:03 CV 1761
	)	
Plaintiff	)	JUDGE SOLOMON OLIVER, JR.
	)	
v.	)	
	)	
MAROUS BROTHERS	)	
CONSTRUCTION, INC.,	)	
	)	
Defendant	)	<u>ORDER</u>

Currently pending before the court are motions of Plaintiff Lee Arnold, Jr., *pro se*, for an Extension of Time to File a Notice of Appeal (ECF Nos. 51, 52). In his first Motion, he indicates he mistakenly thought he had 60 days to appeal, but found out too late that that only applied when the government is a party. In his second submission, he indicates he needs time to locate an attorney.

In this case, where Plaintiff alleged he was discriminated against and terminated from his employment on the basis of race, the court granted summary judgment in favor of the Defendant on February 4, 2005. Under App. R 4(a), he had 30 days, until March 7, 2005, in which to file his notice of appeal with the Clerk of the U.S. District Court. He did not file the notice within that time frame. This court may extend the time for filing such a notice upon a showing of excusable neglect or good cause shown if the motion seeking leave is filed no later than 30 days after the expiration of the time the notice was required to be filed. Any extension given cannot be for more than 30 days after the original notice was due

or 10 days from the entry of the order granting an extension, whichever is later. Plaintiff filed his motion on March 25, 2005, within the 30-day time frame. The court will accept the argument of Plaintiff that he has had difficulty determining the requirements regarding the filing of notice as a basis for showing excusable neglect or good cause. The 30-day extension, from March 25, 2005, the date of his motion, expired on April 25, 2005. Therefore, Plaintiff is given an extension of 10 days, excluding weekends and holidays, from the date of this Order, until May 10, 2005. No further extensions will be granted by this court.

The court notes that the Plaintiff filed a document called "NOTICE OF APPEAL" (ECF No. 55) on March 25, 2005. Without ruling on whether this notice is effective in light of the court's granting an extension, the court hereby notifies Plaintiff that the best procedure to follow in order to eliminate doubt is to file another notice within the 10-day time frame.

IT IS SO ORDERED.

/S/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

April 26, 2005